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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,536	07/11/2001	Torbjorn Albertsson	66291-320-5	6876
7590	01/09/2006		EXAMINER	
Eric J. Franklin Venable LLP Post Office Box 34385 Washington, DC 20043-9998			ART UNIT	PAPER NUMBER

DATE MAILED: 01/09/2006

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APPLICATION NO./ CONTROL NO. 09/902,526	FILING DATE 7/11/2001	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. 66291-320-S
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EXAMINER HANSEW

ART UNIT 2682 PAPER

12222005

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Commissioner for Patents

In accordance with the attached notification of non-compliant appeal brief, the Examiner's Answer of 7/28/2004 is hereby vacated.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/902,536

Applicant(s)

ALBERTSSON ET AL.

Examiner

Colby Hansen

Art Unit

3682

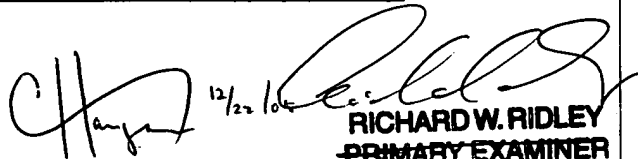
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 10 May 2004 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

On May 10, 2004, appellants filed an appendix to the brief. A review of the file reveals that claim 2 contains errors because it is not similar to the amendment filed September 24, 2003 and it contains underlining in the appendix to the appeal brief. The Manual of Patent Examining Procedure (MPEP) 1206 requires the appendix of claims to be a clean copy, without underlines and brackets. Therefore, the appendix of the appeal brief is defective. In addition, an amendment was disclosed on page 13 of the appeal brief. This amendment is not permitted in an appeal brief. The amendment must be filed as a separate paper to be responded to by the Examiner, after appropriate filing.

  
12/22/04  
**RICHARD W. RIDLEY**  
**PRIMARY EXAMINER**  
SPE 44 3682